

Village of Lombard

*Village Hall
255 East Wilson Ave.
Lombard, IL 60148
villageoflombard.org*



Minutes

Thursday, August 16, 2018

7:00 PM

Village Hall Board Room

Village Board of Trustees

Village President Keith Giagnorio

Village Clerk Sharon Kuderna

Trustees: Dan Whittington, District One; Mike Fugiel, District Two;

Reid Foltyniewicz, District Three; Bill Johnston, District Four;

Robyn Pike, District Five; and Bill Ware, District Six

I. Call to Order and Pledge of Allegiance

The regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, August 16, 2018 in the Board Room of the Lombard Village Hall was called to order at 7:00 p.m. by President Keith Giagnorio. Director of Public Works Carl Goldsmith led the Pledge of Allegiance.

II. Roll Call

8 - Keith Giagnorio, Sharon Kuderna, Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware

Staff Present:
Village Manager Scott Niehaus
Director of Finance Tim Sexton
Director of Community Development Bill Heniff
Director of Public Works Carl Goldsmith
Chief of Police Roy Newton
Fire Chief Richard Sander
Assistant Village Manager Nicole Aranas
Executive Coordinator Carol Bauer

III. Public Hearings

IV. Public Participation

Staffa Amin spoke relative to video gaming and requested the Village Board give further consideration to allowing video gaming in the community. He spoke of the increased revenue to the Village, not just from video gaming, but from additional food and beverage tax, and the loss of revenue from people going to surrounding communities who offer video gaming.

Jeanine Gray requested the Village Board consider allowing video gaming and talked of the money that is generated in from video gaming in surrounding communities. She noted that in June Villa Park received \$33,500 and that Addison received \$30,961 from video gaming. She stated that video gaming does not cause an increase in crime.

Theresa Brzezinski spoke relative to video gaming and encouraged the Village Board to reconsider allowing video gaming in Lombard. She spoke of bar customers going to other communities to use video gaming machines. She asked that video gaming be allowed and that the bar

owners be allowed to make a decision if they want to have video gaming machines.

Tony Topalidis stated that he agreed with what the previous speakers had indicated relative to video gaming and asked the Village Board to reconsider video gaming allowing the liquor license establishments make a decision on having or not having machines. He felt the Village would benefit from the additional revenue.

John Mitchell stated that he has been in business for thirty-three (33) years, and agreed with everything that had been said. He feels that video gaming should have been allowed four years ago. He noted that he has had to shut down his kitchen during lunch due to business and suggested that the Village look at the revenue numbers that other neighboring municipalities are receiving based on video gaming.

V. Approval of Minutes

A motion was made by Trustee Mike Fugiel, seconded by Trustee Bill Johnston, that the minutes of the regular meeting of July 19, 2018 be approved. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware

VI. Committee Reports

Community Promotion & Tourism - Trustee Mike Fugiel, Chairperson

No report

Community Relations Committee - Trustee Robyn Pike, Chairperson

No report

Economic/Community Development Committee - Trustee Bill Johnston, Chairperson

Trustee Bill Johnston, Chairperson of the ECDC, offered the following: July 23, 2018 Meeting - The ECDC listened to a presentation by the Lombard Area Chamber of Commerce & Industry in regard to their organization and activities.

To address longer term strategies to address redevelopment activity in southern Lombard, the ECDC also unanimously approved a recommendation of support for the concept of a second business district

for the Butterfield/Yorktown corridor. This item will be brought forward for a requisite public hearing and eventual Village Board consideration at the completion of the required qualifications report. Staff also provided an update regarding several downtown Lombard projects.

August 13, 2018 Meeting - The ECDC began its review of the RFP proposals for the 101-109 S. Main Street site. They heard a presentation by Village staff, followed by a presentation by Kane McKenna & Associates and the two active development entities - Luxica and Holladay Properties. These presentations were followed by a public comment period and then discussion amongst the ECDC members. About 40 people were in attendance at the meeting, of which 7 members of the public spoke on the matter. No real discussion was offered regarding the Prairie Food Co-op, as they were not one of the direct development entities. After initial discussion by the ECDC members, they voted to continue the discussion of the matter to their next meeting on Monday, September 10.

Finance & Administration Committee, Trustee Reid Foltyniewicz, Chairperson

No report

Public Safety & Transportation Committee - Trustee Dan Whittington, Chairperson

No report

Public Works & Environmental Concerns Committee - Trustee Bill Ware, Chairperson

No report

Board of Local Improvements - Trustee Bill Ware, President

No report

Lombard Historic Preservation Commission - Village Clerk Sharon Kuderna

No report

VII. Village Manager/Village Board Comments

Trustee Ware thanked the bar owners who came to the meeting and spoke and provided their input relative to allowing video gaming in the Village.

Village President Keith Giagnorio wished Trustee Reid Foltyniewicz a happy birthday. He congratulated his son Joey and fiance Alex on their upcoming marriage Saturday at Pasta Park.

Village Clerk Sharon Kuderna read the following announcements: Cruise nights events are coming to a close, but there is still time to join us this Saturday from 6-10 pm for this weekly event in downtown Lombard featuring R-Gang, a Motown, R&B, funk and soul band, and of course hundreds of cool cars. Take advantage of downtown dining opportunities as well.

The last Cruise Night event of the 2018 year is scheduled for Saturday, August 25 and the featured band is American English. This will be a grand finale event with a revised set up for the program including the closing St. Charles Road between Main and Park. Check the Village's website, <http://www.villageoflombard.org> for more details.

There will be a Special Joint Village Board and Public Works Committee meeting on Monday, August 20th beginning at 6 pm to review the proposed FY 2019 to FY 2028 Village of Lombard Capital Improvement Plan. This will be followed by a Special Village Board meeting to begin review of the Village's FY 2019 proposed budget. In addition there will be a Special Village Board meeting on Monday, August 27th at 6pm for further review of the proposed FY 2019 budget.

The next regularly scheduled Board of Trustees meeting is September 6th at 7 p.m. in the Village Hall.

The Firebirds Soccer Club will be hosting their 2nd Annual DuPage Preseason Invitational this weekend. There are 74 soccer teams from all over Illinois ranging from U8-U18 that will play 131 games in 19 brackets. The tournament will take place at various park district and school owned facilities. Games will be played between 8 am and 7 pm. Residents are encouraged to come out and cheer for their local teams.

The Village is seeking nominations for the 13th Annual Senior of the Year Awards which recognizes outstanding senior citizens who volunteer or go above and beyond to positively benefit the Lombard community. Please visit www.villageoflombard.org/seniorfair for additional information. Winners will be announced at the Senior Fair on October 3rd.

Village Offices will be closed on Monday, September 3rd in recognition of Labor Day.

The Lombard Police Department will be participating in the “Drive Sober or Get Pulled Over” crackdown which runs from August 20th to Sept. 3rd. During this period, extra officers will be on the road, looking for impaired driving or seat belt law violators. Please do not drink and drive; and have a safe holiday.

VIII Consent Agenda

Trustee Fugiel noted that Consent item Y was a recommendation of the Community Relations Committee not the Community Promotion & Tourism Committee.

Payroll/Accounts Payable

- A. [180331](#) **Approval of Accounts Payable**
For the period ending July 20, 2018 in the amount of \$729,306.48.
This Payroll/Accounts Payable was approved on the Consent Agenda

- B. [180335](#) **Approval of Village Payroll**
For the period ending July 21, 2018 in the amount of \$814,753.26.
This Payroll/Accounts Payable was approved on the Consent Agenda

- C. [180336](#) **Approval of Accounts Payable**
For the period ending July 27, 2018 in the amount of \$2,534,260.37.
This Payroll/Accounts Payable was approved on the Consent Agenda

- D. [180342](#) **Approval of Accounts Payable**
For the period ending August 3, 2018 in the amount of \$263,497.03.
This Payroll/Accounts Payable was approved on the Consent Agenda

- E. [180354](#) **Approval of Village Payroll**
For the period ending August 4, 2018 in the amount of \$823,729.35.
This Payroll/Accounts Payable was approved on the Consent Agenda

- F. [180355](#) **Approval of Accounts Payable**
For the period ending August 10, 2018 in the amount of \$1,151,355.35.
This Payroll/Accounts Payable was approved on the Consent Agenda

Ordinances on First Reading (Waiver of First Requested)

- G.** [180297](#) **PC 18-23: 850 N. DuPage Avenue - Axe-Throwing Establishment**
The petitioner requests that the Village grant approval of a conditional use, pursuant to Section 155.420(C)(40) of the Village of Lombard Zoning Ordinance, to allow for an axe-throwing establishment for the subject property located within the I Limited Industrial District. (DISTRICT #1)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 7559
- H.** [180346](#) **Village Equipment To Be Declared Surplus**
Village Departments are requesting to sell and/or dispose of surplus equipment as more specifically detailed in Exhibit "A" attached to the Ordinance to be sold at auction, sold for scrap, or recycled as these items have extended beyond their useful life or are obsolete to include five (5) LaserJet Printers, twelve (12) desktop computers and two (2) servers.

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 7560
- I.** [180348](#) **Title 11, Chapter 121, Section 121.03(A)(2) - Number of Taxicab Business Licenses**
Amending Title 11, Chapter 121, Section 121.03(A)(2) decreasing the number of Taxicab Business Licenses from six (6) to four (4) to reflect the voluntary non-renewal of taxicab licenses by Flat Rate Cab Dispatch and All Star Cab Dispatch.

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 7561
- J.** [180356](#) **Ordinance Amending the Lombard Village Code Providing for the Sale and Consumption of Alcohol in Connection with Cruise Nights for the Summer Concert Finale (Babcock's Grove House)**
Ordinance amending Title 11, Chapter 112 of the Lombard Village Code providing for the sale and consumption of alcohol in connection with Cruise Nights and the Summer Concert Season Finale. (DISTRICT #1)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 7562
- K.** [180357](#) **Ordinance Amending the Village Code - Soliciting at**

Intersections Within the Village

Ordinance amending Article XI, Chapter 118 of the Lombard Village Code relative to solicitation of funds by charitable groups at intersections within the Village limits.

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 7563

K-2. [180363](#)

Title 11, Chapter 112, Section 112.13(A) - Alcoholic Beverages

Decreasing the number of entries in the Class "A/B-II" liquor license category by one as a result of DMK Burger Bar 2 LLC d/b/a DMK Burger Bar no longer conducting business at 2370 S. Fountain Square Drive. (DISTRICT #3)

This Ordinance was waived of first reading and passed on second reading with suspension of the rules on the Consent Agenda

Enactment No: Ordinance 7564

Other Ordinances on First Reading

L. [180290](#)

PC 18-21: Text Amendments to the Zoning Code - Accessory Structures

Recommendation from the Plan Commission to approve text amendments to Section 155.212 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the text regarding the percentage of a required yard that may be occupied by a permitted obstruction. (DISTRICTS - ALL)

This Ordinance was passed on first reading on the Consent Agenda

Enactment No: Ordinance 7568

M. [180294](#)

PC 18-19: Text Amendments to the Zoning Code - Outdoor Cafe

Recommendation from the Plan Commission to approve text amendments to Section 155.802 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the definition of outdoor cafe as an accessory use to a restaurant. The amendments are intended to allow such activities within the buildable area of a lot. (DISTRICTS - ALL)

This Ordinance was passed on first reading on the Consent Agenda

Enactment No: Ordinance 7569

N. [180295](#)

PC 18-20: Text Amendments to the Zoning Code - Massage References

Recommendation from the Plan Commission to approve text amendments to Sections 155.415 (C)(23), 155.416 (C)(23), 155.417 (G)

(2)(b)(xi), and 155.418 (C)(18) of the Lombard Zoning Ordinance (and any other relevant sections for clarity) to amend the text for consistency regarding massage establishments and correct the reference sections regarding massage establishments. (DISTRICTS - ALL)

This Ordinance was passed on first reading on the Consent Agenda

Enactment No: Ordinance 7570

O. [180296](#)

PC 18-22: Text Amendments to the Zoning Code - Parkway Improvements

Recommendation from the Plan Commission to approve text amendments to Section 154.302 through 154.306 of the Subdivision and Development Ordinance and Section 155.705 of the Lombard Zoning Ordinance (and any other relevant sections for clarity) regarding parkway trees on dedicated right of way. (DISTRICTS - ALL)

This Ordinance was passed on first reading on the Consent Agenda

Enactment No: Ordinance 7571, 7572

P. [180350](#)

Amending Title XI, Chapter 112, Section 112.30(B) of the Lombard Village Code - Alcoholic Beverages

Ordinance updating the form of the signage (Warning to Minors) required relative to the underage sale or delivery of alcoholic beverages.

This Ordinance was passed on first reading on the Consent Agenda

Enactment No: Ordinance 7573

Q. [180351](#)

Amending Title XI, Chapter 112, Section 112.24(D) of the Lombard Village Code - Alcoholic Beverages

Ordinance mandating that signage in regard to birth defects and substance abuse as required by State law 235 ILCS 5/6-24a(b) be posted in the licensed premises.

This Ordinance was passed on first reading on the Consent Agenda

Enactment No: Ordinance 7574

Ordinances on Second Reading

Resolutions

R. [180337](#)

Edson/Wilson Aerator, Final Balancing Change Order No. 2

Reflecting a net increase to the contract with Martam Construction, Inc. in the amount of 5,672.55. (DISTRICT #2)

This Resolution was adopted on the Consent Agenda

Enactment No: R 52-18

- S.** [180338](#) **Resolution to Adopt the Amended DuPage County Natural Hazards Mitigation Plan**
The Plan serves as a formal document to address natural hazard events in a coordinated manner throughout DuPage County. This latest version amends the previous Plan approved by the Village Board in 2013 (Resolution 116-13). (DISTRICTS - ALL)
This Resolution was adopted on the Consent Agenda
Enactment No: Ordinance 53-18
- T.** [180352](#) **Agreement with GovTempsUSA, LLC**
Resolution authorizing the signature of the Village President on an Agreement with GovTempsUSA, LLC to provide Community Development assistance to the Village for the period September 4, 2018 to December 31, 2018, as needed, in an amount not to exceed \$50,000 for FY 2018.
This Resolution was adopted on the Consent Agenda
Enactment No: Ordinance 54-18
- U.** [180360](#) **Water Meter Replacement Program, Change Order No. 2**
Reflecting an increase of Time of Completion to the contract with Water Resources, Inc. in the amount of 365 calendar days. (DISTRICTS - ALL)
This Resolution was adopted on the Consent Agenda
Enactment No: R 55-18
- U-2.** [180362](#) **Cruise Nights License Agreements**
Resolution authorizing a License Agreement with AT&T for use of a portion of their parking lot at 20 North Main Street during Cruise Nights Summer Concert Season Finale on August 25, 2018. (DISTRICT #1)
This Resolution was adopted on the Consent Agenda
Enactment No: R 56-18

Other Matters

- V.** [180321](#) **Pedestrian Foot Bridge Replacement**
Request for a waiver of bids and award of a contract to Corsetti Structural Steel, Inc. in an amount not to exceed \$54,895.00. Public Act 85-1295 does not apply. (DISTRICT #6)
This Bid was approved on the Consent Agenda
- W.** [180345](#) **FY2018 Sanitary and Storm Sewer CCTV Inspection and Cleaning**
Request for a waiver of bids and award of a contract to Sheridan

Plumbing in an amount not to exceed \$114,000.00. Public Act 85-1295 does not apply. (DISTRICTS - ALL)

This Bid was approved on the Consent Agenda

W-2. [180361](#)

Public Information Notification Signage

Award of a contract to Omega Sign & Lighting, the lowest responsible bid of three (3) bidders, in the amount of \$113,990.00. Bid in compliance with Public Act 85-1295. (DISTRICTS #2 & #3)

This Bid was approved on the Consent Agenda

X. [180093](#)

Village Board Policy as it Relates to the Sponsorship of Village Programs and Events

Recommendation from the Community Promotion and Tourism Committee to adopt a Village Board Policy relative to the sponsorship of Village Programs and Events.

This Request was approved on the Consent Agenda

Y. [180267](#)

Village Board Policy as it Relates to Outdoor Monuments on Municipal Property

Recommendation from the Community Promotion and Tourism Committee to adopt a Village Board policy providing for criteria, procedures and considerations relating to offers to donate monuments for placement upon Village property.

This Request was approved on the Consent Agenda

Z. [180358](#)

DuPage Mayors and Managers Conference Membership

Request for concurrence in approving the annual membership dues in the amount of \$36,776.40 for the DuPage Mayors and Managers Conference.

This Request was approved on the Consent Agenda

Approval of the Consent Agenda

A motion was made by Trustee Dan Whittington, seconded by Trustee Bill Ware, to Approve the Consent Agenda The motion carried by the following vote

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware

IX. Items for Separate Action

Ordinances on First Reading (Waiver of First Requested)

Other Ordinances on First Reading

Ordinances on Second Reading**A. [180191](#)****PC 18-08: 550 E. 22nd Street (Hilton Tru)**

The petitioner requests that the Village take the following actions on the subject property located within the R4PD Planned Development District:

1. Repeal Ordinance 7243 in its entirety, which established a conditional use for a planned development, a conditional use for more than one building on a lot of record, and a deviation to reduce the rear yard setback (as this approval will automatically lapse on July 20, 2018, pursuant to Section 155.103(F)(11)(a) of the Lombard Zoning Ordinance, no further action is needed by the Village Board on this item);
2. Approve a Map Amendment rezoning the property to the O Office District;
3. Approve a conditional use pursuant to Section 155.412(C)(8) of the Lombard Zoning Ordinance for hotels and motels; and
4. Approve a variance pursuant to Section 155.412(H) of the Lombard Zoning Ordinance for the floor area ratio (FAR) to exceed 0.35 FAR. (DISTRICT #3)

Clay Belongia spoke relative to the proposed Hilton Tru project stating he had lived in the area for 32 years; the property was previously zoned multi-family; commercial property adjacent to residential with no transition; felt there should be a transition from one to the other; did traffic study take into account the 550 units being constructed at Yorktown and the amount of traffic that will be generated onto 22nd; spoke about the construction traffic, the noise, the lights, the loss of the neighbors' back yards. He asked the Village Board to consider the residents of Congress Knolls.

Brian O'Connor stated that he resides one-hundred-fifty (150) feet from the proposed development; spoke of beer and wine being sold in the Hilton Tru convenience store; the extra large lobby to accommodate people gathering due to the small size of the rooms; possibility of parties in the lobby getting out of hand; that there is no bartender, just a store selling beer and wine; compared office buildings that are not typically occupied after 5pm during the week and not on weekends to a hotel that is accompanied 24/7 including weekends; felt parties and issues will spill over to the residences adjacent to the property; privacy issues; spoke of medical emergencies and Fire Department responses; noted this was the first hotel adjacent to single-family homes in Lombard and how that will impact property values and quality of life; spoke of the residents getting worn down by attending meetings relative to this proposal; talked of prostitution and drug activity that often involve guns; not an ideal location for a hotel; questioned the Code of Ethics relative to project architect Steve Flint also serving on the Village Plan Commission; asked

the Village Board to remand proposed development back to Plan Commission for further review; felt this was a fatal Code of Ethics violation; talked about the Go Fund Me Page set up where people can contribute to help fight this development.

Jean Pagorek spoke relative to the liability in the event the hotel was not successful and what would happen to the structure; checked room rates at other Hilton Tru locations; spoke of shared lobby which she felt was similar to a hostel where the rooms are very small, but there is mutual meeting space; neighbors not coming to meetings because they feel this is a done-deal; asked the Village Board to look beyond the financial aspects and look at quality of life for neighbors in Congress Knolls.

George Bedard asked the Village Board to vote against the proposed development; noted that a lot has been said and probably most forgotten relative to the proposed development; asked the Board to treat others like you would like to be treated; felt property values would be destroyed; spoke of the fifty-five townhomes (one-hundred-ten property owners) in Abbey Woods who were represented at the last meeting and are against this development; spoke about traffic study and questioned the additional traffic should the seminary property be developed; Village is supposed to look out for the well-being of the residents; asked that the Village and Congress Knolls be a family; asked for a boundary agreement with the Village;

Trustee Foltyniewicz questioned the traffic study and asked if new projects were included in the study.

Village Manager Niehaus noted that all projects were included in the study and the study reported that the existing roadways were sufficient to handle the traffic; spoke about KLOA and general growth and noted that even with the growth the roadways and intersections would handle.

Trustee Foltyniewicz asked if this was the first hotel that was adjacent to residential.

Response: this is the first adjacent to single-family, but other hotels are adjacent to apartments, condos and townhomes.

Trustee Foltyniewicz asked about an increase in crime and other police incidents and the number of calls.

Chief Newton felt calls would be for service or confined to the hotel.

Manager Niehaus indicated that calls are less than a call per day for the hotels.

Trustee Foltyniewicz inquired about the Code of Ethics insinuation with architect Steve Flint and also asked if the hotel design would be different if another architect had handled. He noted that Steve Flint serves on the Plan Commission and receives no compensation. He did not like the accusations relative to a done-deal and reference to shady deals.

Attorney Bayer noted that Steve Flint receives no compensation for service on the Plan Commission; stated what was being referred to is the State Ethics Code and the Village is not covered by that Code; example

is a Village employee on the job and campaigning; stated that Steve Flint as recused himself from all Plan Commission meetings where this matter was revised or discussed; there is no premise for the allegations. President Giagnorio stated that the Village Board and staff pride themselves in 100% transparency; echoed that he was displeased with the accusations that this was a done-deal, that the Village was not transparent; that there was collusion; and noted that was all not true. Trustee Ware thanked the people who came out and spoke. He stated he supported the proposed Hilton Tru development and felt it was in the best interests of the Village. He would be voting in favor.

A motion was made by Trustee Bill Ware, seconded by Trustee Robyn Pike, approving PC 18-08 for 550 E. 22nd Street (Hilton Tru) and passage of an ordinance on second reading. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware

Enactment No: Ordinance 7565, 7566

Resolutions

Other Matters

X. Agenda Items for Discussion

XI. Executive Session

XII. Reconvene

XIII Adjournment

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A motion was made by Trustee Bill Johnston, seconded by Trustee Dan Whittington, that the regular meeting of the President and Board of Trustees of the Village of Lombard held on Thursday, August 16, 2018 in the Board Room of the Lombard Village Hall be adjourned at 7:53 p.m. The motion carried by the following vote:

Aye: 6 - Dan Whittington, Mike Fugiel, Reid Foltyniewicz, Bill Johnston, Robyn Pike, and Bill Ware